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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,

Plaintiff/Counterclaim-Defendant,

v.

INTUITIVE SURGICAL, INC.,

Defendant/Counterclaimant.

Civil Case No.: 3:21-CV-03496-AMO-LB
STIPULATION AND ~~PROPOSED~~
ORDER REGARDING OMNIBUS
SEALING PROCEDURES

Judge: The Honorable Araceli Martínez-
Olguín

1 WHEREAS, Plaintiffs and Intuitive Surgical, Inc. (collectively the “Parties”) wish to conserve
2 the resources of the Court and the Parties by avoiding filing multiple sealing motions and declarations;

3 WHEREAS the Parties anticipate that filings in this action will continue to involve information
4 designated as confidential by the Parties and multiple non-parties under the terms of Dkt. No. 78 and
5 199 (noting that previous briefing in this matter involved potentially confidential information relating to
6 18 third parties);

7 WHEREAS substantial time can be required to carefully and properly redact each Party and non-
8 party’s confidential information and thus avoid inadvertent public filings of confidential information;

9 WHEREAS parties in other matters in the Northern District of California have, with court
10 approval, stipulated to modifications of the sealing procedures set forth in the local rules when
11 warranted to streamline the process when multiple sealing motions and orders otherwise would be
12 required, *see, e.g.*, Stipulation and Order Modifying Sealing Procedures, *In re Apple iPhone Antitrust*
13 *Litigation* (Dec. 15, 2022) (adopting the parties’ modified sealing procedure which involved filing an
14 omnibus sealing motion after briefing on the underlying motions concluded);

15 WHEREAS the Court has previously requested an omnibus filing to collect sealing requests and
16 the supporting materials in this case after briefing on the underlying motions concluded, *see* Dkt. No.
17 189;

18 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED SUBJECT TO THE
19 COURT’S APPROVAL:

- 20 1. If a Party files a document for which it intends to request sealing or for which it believes another
21 Party or third party intends to request sealing, the Party may file the document in redacted or
22 slip-sheet form. The Party will then contemporaneously file a one-page Interim Sealing Motion,
23 which will indicate that the reasons for sealing will be discussed in a forthcoming omnibus
24 sealing motion. The Interim Sealing Motion will attach an unredacted copy of the documents on
25 the ECF docket, provisionally under seal.

2. After filing the underlying brief and Interim Sealing Motion, the Party filing the underlying document sought to be sealed shall bear the responsibility of (1) notifying each affected third party regarding any of its confidential information that has been filed under seal and (2) soliciting each affected third party's request(s) for sealing or waiver(s) of confidentiality for inclusion in the omnibus sealing motion.
3. The Parties and any affected third parties shall jointly file an omnibus sealing motion within 14 days after the conclusion of all briefing of the underlying motion or filing (including any associated filings such as motions to strike).
 - a. The omnibus sealing motion shall attach declarations supporting requests to seal.
 - b. The omnibus sealing motion shall attach a proposed order. The proposed order shall include a chart listing all documents requested to be sealed. The chart shall comply with the following format, which is found on page 6 of Judge Martínez-Olguín's Standing

Orders:

Document or title or description	Dkt. No. of redacted version	Dkt. No. of unredacted version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
Example: John Doe Medical Records	34-2	35-2	35	Plaintiff	Partial	Sensitive portions of medical record are unrelated to the claims	

4. To the extent a Party or non-party has an objection to a sealing request, an opposition to the omnibus sealing motion may be filed pursuant to Local Rule 7-11(b) no later than 5 days after the motion has been filed.

- 1 5. The Party filing the underlying document sought to be sealed shall file the public-facing version
2 of the document, with any redactions pursuant to the Court's sealing order, within 21 days
3 following the Court's order on the omnibus sealing motion.
4

5 IT IS SO STIPULATED AND AGREED.

6 Dated: August 9, 2024

By: /s/ Joshua V. Van Hoven

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17 Dated: August 9, 2024

By: /s/ Kathryn E. Cahoy

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

